

## Attachment D3

### EXHIBIT B LRP 2008-00012

#### **Amend Chapter 6 of the Framework for Planning, Part I of the Land Use Element of the county General Plan, as follows:**

##### **Voluntary Transfer of Development Credits (TDCs)**

##### **Countywide Voluntary TDC Program**

A voluntary Transfer of Development Credits (TDC) Program is a land use planning tool that allows the right to develop (called credits) to be separated from one site (the sending site) and moved to another (the receiving site). The transfer of the credits reduces the development possible on the sending site and increases the development possible on the receiving site. This program is voluntary, incentive-based, and market-driven between willing sellers and willing buyers.

Consistent with the applicable goals in Chapter 1 of this element, the goal of the voluntary TDC Program ~~will relocate~~ is to retire development potential from natural areas and environmentally sensitive land, land with agricultural capability and the business of agriculture itself, or antiquated subdivisions that are largely undeveloped and under common ownership, or open space and the outlying remote areas of the county. This development potential is then transferred to more suitable areas. The authority to establish a voluntary TDC Program is within the scope of police power established in Article XI, Section 7 of the State Constitution. The establishment of this voluntary program is also an exercise of the county's planning and zoning authority as set forth in the California Planning and Zoning Law, Title 7, Division One of the Government Code.

There are a number of objectives the voluntary TDC Program seeks to accomplish. The primary purpose is to promote appropriate settlement patterns ~~while that maintaining~~ an overall level of development within the capacities of transportation and other public service systems. The objectives of the program are to: As a voluntary countywide program it endeavors to:

- protect both land with agricultural capability and the business of agriculture itself;

- reduce development potential within land divisions or other areas that do not have adequate services for residents;

- protect ~~important or extraordinary~~ natural and environmentally sensitive areas that have special environmental and scientific qualities such as biologically unique habitats, sensitive natural communities, riparian habitats, wetlands, habitats or cultural resources;

- reduce development potential in areas that may have the potential for landslides, fires, or other hazards;

- reduce development potential in areas that separate urban and village areas in order to preserve the visual identities of those communities;

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and reduce air quality impacts and other impacts associated with locating residential development distant from jobs, schools, shopping and recreation.

~~This program is voluntary, incentive-based, and market-driven between willing sellers and willing buyers. Landowners are not obligated to use this technique to request an amendment to the general plan or to subdivide property in conformance with existing regulations.~~

The voluntary TDC ordinance is adopted in the Land Use Ordinance. The ordinance allows the voluntary transfer of development potential from a sending site to a receiving site. The receiving site would then be allowed to develop at a higher density than would otherwise be allowed by the land use category. The ordinance sets forth the criteria for an applicant to voluntarily request designation as either a sending or receiving site, the means of assigning credits to both the sending and receiving sites, and the procedures for transferring credits from one landowner to another. Both the sending and receiving sites must conform to all standards and criteria for the use of TDCs as set forth in the Land Use Ordinance.